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44909	7590	01/26/2006	EXAMINER	
WOLF, BLOCK, SCHORR & SOLIS-COHEN LLP 250 PARK AVENUE NEW YORK, NY 10177			LEMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,935

Applicant(s)

ATSMON, ALON

Examiner

Samson B. Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The request filed November 17, 2005 for a request for continued examination (RCE) under 37 CFR 1.114 based on patent application 09/831,935 is acceptable and an RCE has been established. **Claim 21** is canceled. **Claims 1-20 and 22-24** are pending and have been examined.
2. **Independent claim 1 and 9** have been amended.
3. **Dependent Claims 4,6,7 and 14** have been amended.
4. **New claim 24** has been added.

Response to Arguments

5. Applicant's arguments with respect to **claims 1-8 ; 19-20 and 22-23** have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's arguments with respect to **claims 9-18 and 24** have been considered but they are not persuasive.

Applicant argument is based on claim 9. Applicant wrote the following in support of his argument.

Neither of the cited references, namely Derks and Mark, suggests using an audio transmission section in a first direction and a communication network section in an opposite direction. The examiner must provide reasoning why use of these two different types of communication sections for the closed loop communications is desirable.

Examiner would point that the limitation as it is written required transmitting an authentication signal over a closed loop first between the computer and/to the personal communicator in one direction and also in opposite direction. The examiner explicitly indicate the fact that when the two references are combined, it will indeed meets the limitation of transmitting an authentication signals over a closed loop one

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from the computer to the personal communicator and the other vise-versa/from the personal communicator to the computer. (Detail explanation is shown below on claim 9.)

The examiner would also point out that, the text for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. See In re Sheckle, 168 USPQ 716 (CCPA 1971) In re McLaghin 170 USPQ 209 (CCPA 1971). In re Young 159 USPQ 725 (CCPA 1968) and **Furthermore, applicants cannot show non-obviousness** by analyzing references individually where as here the rejection are based on the combination of the references. See In re Keller, 208 USPQ 871 (CCPA 1981)

Applicant's last argument is regarding the dependent claims 10-18 and 24 which are dependent on independent claim 9.

Applicants argued that since the independent claim 9 are patentable therefore all the claims dependent thereon are also in condition for allowance for the same reasons argued for the independent claims.

In response to the above argument by the applicant, the examiner reponse discussed for the independent claim 9 above is also valid towards this argument.

Therefore every elements of the limitation of the claim 9-18 and 24 including the newly added limitation to some of the claims is explicitly or implicitly suggested and disclosed by the combinations of the references on the record and the rejection remains valid. (Detail explanation is shown below on claim 9.)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-8 ; 19-20 and 22-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Derks** et al (hereinafter referred to as **Derks**) (U.S. Patent No. 6,021,119) in view of **Layson, Jr.** (hereinafter referred to as **Layson**) (U.S. Patent No. 5,731,757)
9. **As per claim 1**, Derks discloses a method of communicating with an electronic device, comprising:
- providing a computer having an sound receiving and generating sub-system including a microphone;** (Figure 1, ref. Num "32"; column 5, lines 40-52) (The host computer used by the instructor to make a voice communication has inherently has both the sound receiving and generating sub-system.)
- providing a personal communicator which utilizes a communication network;** [Column 2, lines 44-58; column 2, lines 7-18] (response unit is met a response unit)
- initiating a connection by said computer, over said communications network, to said personal communicator ;** [column 2, lines 51-60; column 1, lines 30-34] (When the instructor from the host system/computer having a both the microphone and speaker that can receive or generate sound wishes to accept

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a call from a particular individual, the host system initiates/sends a talk instructions to the response unit/personal communicator, in response to the talk instruction, the host computer through the base unit establishes an audio connection between the microphone of the response unit/personal communicator and the host system and the host unit/personal communicator transmits the audio response).

and

transmitting an an acoustic wave/audio responses from the personal communicator to the computer/sound receiving and generating sub-system, in response to the connection initiation and receiving the acoustic wave via the microphone of the sound receiving sub-system/computer

[Column 2, lines 51-60; column 2, lines 27-43; column 1, line 30-34] (Derks discloses that the personal communicator [column 2, line 51] (response unit is met personal communicator includes a microphone and the user input device) transmitting an audio response from the personal communicator/response unit to the sound receiving and generating sub-system,[column 2, lines 56-57] (the host system is met to be the sound receiving and generating sub-system) in response to the connection initiation.[column 2, lines 51-60; column 1, lines 30-34] (When the instructor from the host system/computer having a both the microphone and speaker that can receive or generate sound wishes to accept a call from a particular individual, the host system initiates/sends a talk instructions to the response unit/personal communicator, in response to the talk instruction, the host computer through the base unit establishes an audio connection between the microphone of the response unit/personal communicator and the host system and the host unit/personal communicator transmits the audio response).

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identifying said personal communicator responsive to an audio response of said personal communicator ; [column 5, lines 37-39](Derks discloses that the authenticity of each response units/callers/personal communicators is verified by analyzing the authentication signal/request sent by the caller by the phone manger which includes call verification using a DTMF sequence from each base unit.[column 5, lines 37-39]

Derks does not explicitly teaches

receiving the acoustic wave via the microphone

However, in the same art of endeavor, **Layson** discloses, a wireless transceiver for communicating with the central data-base system to subject acoustic speaker and microphone for voice and tone messages with subjects.[abstract and figure 1]

Furthermore **Layson** discloses that the wireless transceiver 40 provides two-way data and voice communication between the portable tracking device 12, which meet the limitation of personal communicator and the central data-base system 22 meets the recitation of computer system.[column 3, lines 35-37 and see figure 1]

Furthermore **Layson** discloses that the audio means of communication with the subject is performed using audio tone message/acoustic wave stored in the portable tracking apparatus or sent to the subject in real-time from the control data-base system and pre-recorded audio are performed using portable tracking apparatus speaker. **Interactive voice communication with the subject is achieved using the portable tracking apparatus microphone.**[Column 8, lines 62-67 and column 9, line 1-3]

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the feature of **receiving the**

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acoustic wave via the microphone as per teachings of Layson in to the method as taught by **Derks** in order to utilize a portable/communicator tracking device to interactively communicate with the computer.[See Jayson, Column 8, lines 62-67]

10. **As per claim 2**, the combination of **Derks and Layson** discloses the method as applied to claim 1 above. Furthermore, Derks discloses a method wherein initiating a connection comprises directly accessing said communication networks from said computer using dedicated hardware. [column 2, lines 51-60; column 1, lines 30-34])
11. **As per claim 3**, the combination of **Derks and Layson** discloses the method as applied to claim 2 above. Furthermore, Derks discloses a method wherein said hardware comprises a dialer card.[column 5, lines 40-52](The dialer card is inherently included in the host computer.)
12. **As per claim 4**, the combination of **Derks and Layson** discloses the method as applied to claim 1 above. Furthermore, Derks discloses a method wherein initiating a connection comprises accessing a non-computer data network other than said communication network directly from said computer using dedicated hardware and utilizing a link between said non-computer network and said communications network. [column 2, lines 51-60; column 1, lines 30-34])
13. **As per claim 5**, the combination of **Derks and Layson** discloses the method as applied to claim 1 above. Furthermore, Derks discloses a method wherein Initiating a connection comprises requesting a second computer to create such a

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connection which request is made over a computer network. [column 2, lines 51-60; column 1, lines 30-34 and figure 1]

14. **As per claim 6,** the combination of **Derks and Layson** discloses the method as applied to claim 1 above. Furthermore, Derks discloses a method wherein transmitting an acoustic wave from the personal communicator comprising transmitting a distinct audio response.[column 5, lines 37-39](Derks discloses that the authenticity of each response units/callers/personal communicators is verified by analyzing the authentication signal/request sent by the caller by the phone manger which includes call verification using a DTMF sequence from each base unit.[column 5, lines 37-39]

15. **As per claim 7,** the combination of **Derks and Layson** discloses the method as applied to claim 6 above. Furthermore, Derks discloses a method comprising requesting, by said computer a distinctive audio response.[Derks discloses that the authenticity of each response units/callers/personal communicators is verified by analyzing the authentication signal/request sent by the caller by the phone manger which includes call verification using a DTMF sequence from each base unit.[column 5, lines 37-39]

16. **As per claim 8,** the combination of **Derks and Layson** discloses the method as applied to claim 1 above. Furthermore, Derks discloses a method comprising transmitting data signals to said personal communicator to be acoustically sounded and received by said computer.[column 2, lines 7-60]

17. **As of claim 19,** the combination of **Derks and Layson** disclose the method as applied to any of the claim 1-18 above. Furthermore Derk discloses a

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method wherein said personal communicator comprises a cellular telephone. (figure 1, ref.

Num "24" and column 2, lines 14-42) (The response unit has a features of the cellular Telephone)

18. **As of claim 20**, the combination of **Derks** and **Layson** disclose the method as applied to any of the claims 1-18 above. Furthermore Derk discloses the method wherein said personal communicator comprises a programmable cellular telephone. (figure 1, ref. Num "24" and column 2, lines 14-42) (The response unit has a features of the cellular Telephone and is capable of being programmable see figure 3)

19. **As of claim 22**, the combination of **Derks** and **Layson** disclose the method as applied to any of the claims 1-18 above. Furthermore Derks discloses a method wherein said personal communicator comprises a beeper. (figure 1, ref. Num "24" and column 2, lines 14-42) (The response unit has a features of a beeper.)

20. **As of claim 23**, the combination of **Derks** and **Layson** discloses the method as applied to any of the claims 1-18 above. Furthermore Derks discloses a method wherein said personal communicator comprises a wireless telephone. (figure 1, ref. Num "24" and column 2, lines 14-42) (The response is functioning like wireless telephone.)

21. **Claims 9-18 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Derks** et al (hereinafter referred to as **Derks**) (U.S. Patent No. 6,021,119) in view of Mark (hereinafter refereed as Mark) (U.S. Patent No. 5,583,933)

22. **As per claim 9**, **Derks** discloses a method of authentication, comprising:
providing a computer having an sound receiving and generating sub-system including a microphone;(Figure 1, ref. Num "32"; column 5, lines 40-52) (The

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host computer used by the instructor to make a voice communication has inherently has both the sound receiving and generating sub-system.)

providing a personal communicator which utilizes a communication network; (Column 2, lines 44-58; column 2, lines 7-18)

opening a connection, over said communications network, between said computer and said personal communicator; and (Derks discloses that the personal communicator [column 2, line 51] (response unit is met personal communicator includes a microphone and the user input device) transmitting an audio response from the personal communicator/response unit to the sound receiving and generating sub-system,[column 2, lines 56-57] (the host system is met to be the sound receiving and generating sub-system) in response to the connection initiation.[column 2, lines 51-60; column 1, lines 30-34] (When the instructor from the host system/computer having a both the microphone and speaker that can receive or generate sound wishes to accept a call from a particular individual, the host system initiates/sends a talk instructions to the response unit/personal communicator, in response to the talk instruction, the host computer through the base unit establishes an audio connection between the microphone of the response unit/personal communicator and the host system and the host unit/personal communicator transmits the audio response).

Furthermore **Derks** discloses that the **personal communicator** [column 2, line 51] (response unit is met personal communicator includes a microphone and the user input device)

transmitting an audio response from the personal communicator/response unit to the sound receiving and generating sub-system,[column 2, lines 56-57] (the host system is met to be the sound receiving and generating sub-

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system) **in response to the connection initiation.**[column 2, lines 51-60; column 1, lines 30-34] (When the instructor from the host system/computer having a both the microphone and speaker that can receive or generate sound wishes to accept a call from a particular individual, the host system initiates/sends a talk instructions to the response unit/personal communicator, in response to the talk instruction, the host computer through the base unit establishes an audio connection between the microphone of the response unit/personal communicator and the host system and the host unit/personal communicator transmits the audio response).

Furthermore Derks discloses transmitting authenticating signal over a closed loop between the personal communicator and the computer/sound receiving and generating sub-system of the computer and a section over the communication network in an opposite direction.[Column 5, lines 37-39]

(the authenticity of each response units/callers/personal communicators is verified by analyzing the authentication signal/request sent by the caller by the phone manger which includes call verification using a DTMF sequence from each base unit)

Derks does not explicitly teaches

transmitting authentication signals over a closed loop between the compuer and the personal communicator including an audio transmission section in the first direction.

However, **Mark**, in the same art of endeavor, discloses the transmitting authentication signals or the device identification information over a closed loop (between the computer or auto dialer and personal communicator which is the telephone used) including both an audio transmission section (the transmission of audio authentication signal first

between the auto dialer or computer and personal communicator (telephone) over the communication network to reach to the switching circuit system. The switching circuit system authenticates the auto dialer or the computer after checking the database containing information about the auto-dialer and finally determines the computer or the device is authorized or unauthorized . (figure 6; column 34, lines 57-63; column 35, lines 18-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the authentication techniques as per teachings of Mark in the first direction into method authentication taught by **Derks** in opposite direction in order to provided dual authentication signal transmitting in both the first direction and opposite direction for strengthening the security of the audio transmission.

23. **As of claim 10**, the combination of **Derks and Mark** disclose the method as applied to claim 9 above. Furthermore **Derks** discloses a method wherein said computer initiates opening said connection. [column 2, lines 51-60; column 1, lines 30-34] (When the instructor from the host system/computer having a both the microphone and speaker that can receive or generate sound wishes to accept a call from a particular individual, the host system initiates/sends a talk instructions to the response unit/personal communicator, in response to the talk instruction, the host computer through the base unit establishes an audio connection between the microphone of the response unit/personal communicator and the host system and the host unit/personal communicator transmits the audio response).

24. **As of claim 11**, the combination of **Derks** and mark disclose the

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method as applied to claim 9 above. Furthermore Derks discloses a method, wherein said personal communicator initiates opening said connection. [Abstract]

25. **As of claim 12**, the combination of **Derks and Mark** disclose the method as applied to claim 9 above. Furthermore Mark discloses a method wherein said authentication signals (device identification information) comprise sound waves generated by said computer (auto dialer) and transmitted by audio to said personal communicator (telephone). (column 37, lines 57-63;column 35, lines 1-9)

26. **As of claim 13** the combination of **Derks and Mark** disclose the method as applied to claim 9 above. Furthermore Mark discloses a method wherein said authentication signals (device identification information) comprise sound waves generated by a remote computer (auto dialer which is remotely located) and transmitted by said communication network to said personal communicator (telephone at receiving or destination end). (column 35, lines 18-35; figure 6, step "1110") (It is interpreted by the office the personal communicator in this case is the the telephone that is supposed to receive the long distance call at destination end.)

27. **As of claim 14**, the combination of **Derks and Mark** disclose the method as applied to claim 13 above. Furthermore Mark discloses a method wherein said remote communicator initiates said connection. (column 25, lines 59-63; column 35, lines 35-42).

28. **As of claim 15**, the combination of **Derks and Mark** disclose the method as applied to claim 14 above. Furthermore Mark discloses a method comprising, said remote computer (auto dialer) causing said personal communicator (telephone) to generate sound and detecting said sound by said computer (auto dialer)

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as an indication of a request for authentication. (column 35, lines 33-42)

29. **As of claim 16**, the combination of **Derks and Mark** disclose the method as applied to claim 9 above. Furthermore Mark discloses a method wherein said authentication signals comprises at least mostly sonic frequencies. (column 25, lines 53-63; column 35, lines 18-25) (It is interpreted by the office that since the sonic frequencies are those below 15, 000 cycles per second and can be heard by the normal human ear. The encoding method that has been used to encode the authentication signal and decoding it later at the switching circuit system can also be applied if the authentication signal is mostly sonic frequencies and this authentication signal on the auto dialer can also be initialized at the calibration stage.)

30. **As of claim 17**, the combination of **Derks and Mark** disclose the method as applied to claim 16 above. Furthermore Mark discloses a method wherein said signals are encoded using a DTMF-like encoding scheme. (column 35, lines 18-25).

31. **As of claim 18**, the combination of **Derks and Mark** disclose the method as applied to claim 9 above. Furthermore Mark discloses a method wherein said authentication signals comprise ultrasonic frequencies. (column 35, lines 18-25) (It is interpreted by the office that since the supersonic frequencies are those above 15, 000 cycles per second and is beyond the range of normal human hearing .This authentication signal or the auto dialer identification information can be initialized into the device at the calibration stage.)

32. **As of claim 24**, the combination of **Derks and Mark** discloses the method as applied to any of the claims 1-18 above. Furthermore Derks discloses a method wherein said audio transmission section is a wireless section. (figure 1, ref. Num "24" and column 2, lines 14-42) (The response is functioning like wireless

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telephone meets the limitation.)


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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S.L.
01/14/2005


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